

AGENDA

REGULAR MEETING CITY COUNCIL BOCA RATON SEPTEMBER 9, 2008 6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Mayor Susan Whelchel
Deputy Mayor Peter R. Baronoff
Council Member M. J. Mike Arts
Council Member Bill Hager
Council Member Susan Haynie

AMENDMENTS TO THE AGENDA:

MINUTES:

Minutes of the Regular Workshop Meeting of August 25, 2008
Minutes of the Downtown Special Assessment Meeting of August 25, 2008
Minutes of the Budget Workshop Meeting of August 25, 2008
Minutes of the Regular Meeting of August 26, 2008

PROCLAMATIONS/RECOGNITIONS/AWARDS:

United States Constitution Week – September 17 through 23, 2008

NOTICE

Pursuant to F.S. 286.0105, if any decision of City Council affects you, and you decide to appeal any decision made at this meeting with respect to any matter considered, you will need a record of the proceedings and, for such purposes, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above NOTICE is required by State Law. If you desire a verbatim transcript, you shall have the responsibility, at your own cost, to arrange for the transcript.)

NOTE

Any person who acts as a lobbyist pursuant to City Code, Article V. Code of Ethics, Division 2, Lobbyist Registration, must register with the City Clerk prior to engaging in lobbying activities before City staff, boards, committees and / or the City Council, or any member thereof. Separate registration is required for each principal / client represented and each City matter. All registrations expire on December 31st of each calendar year and new registration is required. Forms are available from the City Clerk.

REGULAR BUSINESS - PART I:

1. Appointments to the following boards:

- a) Builders' Board of Adjustment & Appeals – one (1) vacancy.
- b) Citizens' Pedestrian and Bikeway Advisory Board – one (1) vacancy.
- c) Code Enforcement Board – three (3) vacancies.
- d) Community Appearance Board – five (5) vacancies.
- e) Pearl City Blue Ribbon Committee – one (1) vacancy.

2. Responses to Workshop Information Requests:

3. Consent Agenda:

(Prior to consideration of a motion to approve the Consent Agenda, the Mayor shall provide for public comment. Those items removed from the Consent Agenda will be considered under Part VII or as otherwise directed by the City Council.)

a. Sealed Bids

- 1) Supply and Install Vehicle Graphics
Requested by Police Services
Graphic Design International, Inc. \$113,824
- 2) Wastewater Collection System Rehabilitation
Requested by Utility Services
Madsen Barr, Centerline Utilities, Miller Pipeline,
Lanzo Lining Services, Inc. \$1,261,029

b. Intergovernmental Agreements

- 1) Staff Augmentation Services for Information Technology
Requested by City Manager
TEKSystems \$52,000
- 2) Wastewater Biosolids Hauling and Disposal
Requested by Utility Services
H & H Liquid Sludge Disposal, Inc. \$338,000

c. Resolution No. 103-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with CorVel Corporation for the purpose of Third Party Administrative services (TPA) for the workers' compensation program; providing for severability; providing for repealer; providing an effective date

d. Resolution No. 104-2008

A resolution of the City of Boca Raton authorizing a waiver of procurement procedures, authorizing the Mayor and City Clerk to execute an agreement with Alcalde and Fay, Ltd., for the purpose of providing Federal government affairs consulting services; providing for severability; providing for repealer; providing an effective date

e. Resolution No. 106-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 27 with Hazen and Sawyer, P.C. for the purpose of providing professional engineering services for the final clarifiers refurbishment and improvement project at the wastewater treatment facility; providing for severability; providing for repealer; providing an effective date

f. Resolution No. 107-2008

A resolution of the City of Boca Raton authorizing the City Manager to execute Work Order No. 4 with Mock, Roos and Associates, Inc., (D/B/A Mock●Roos) for the purpose of engineering stormwater improvements; providing for severability; providing for repealer; providing an effective date

g. Resolution No. 108-2008

A resolution of the City of Boca Raton supporting the beach and coastal management programs of the Florida Department of Environmental Protection, subject to the City's regulatory authority and Code of Ordinances; advising the State that the City will have the ability to provide the local funding share necessary to implement any State beach and coastal management program in which the City elects to participate; authorizing the City Manager to forward a long-term beach funding plan to the State; providing for severability; providing for repealer; providing an effective date

h. Resolution No. 109-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute agreements with Bank of America for the purpose of providing banking services; providing for severability; providing for repealer; providing an effective date

i. Resolution No. 110-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Third Amendment to Agreement with Allen, Norton & Blue, P.A.; providing for severability; providing for repealer; providing an effective date

j. Resolution No. 111-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Second Amendment to Agreement with Weiss Serota Helfman Pastoriza Cole & Boniske, P.A.; providing for severability; providing for repealer; providing an effective date

k. Resolution No. 112-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute the Second Amendment to Agreement with Lewis, Longman & Walker, P.A.; providing for severability; providing for repealer; providing an effective date

l. Resolution No. 113-2008

A resolution of the City of Boca Raton authorizing the Mayor and City Clerk to execute an agreement with Data Transfer Solutions, LLC, for the purpose of professional consulting services for Geographical Information Systems software development and maintenance; providing for severability; providing for repealer; providing an effective date

m. Resolution No. 115-2008

A resolution of the City of Boca Raton authorizing Work Order Number Three, with Urban Design Associates, P.C., for the purpose of developing a Pattern Book for downtown design guidelines; providing for severability; providing for repealer; providing an effective date

n. Receive and File Board Orders/Resolutions

- 1) Zoning Board of Adjustment
 - a) Resolution No. BA-08-03
 - b) Resolution No. BA-08-04
 - c) Resolution No. BA-08-05

o. Receive and File Board Minutes – September 9, 2008

- 1) Community Appearance Board
July 29, 2008
- 2) Financial Advisory Board
June 9, 2008
- 3) Parks & Recreation Board
July 1, 2008
- 4) Zoning Board of Adjustment
July 10, 2008

REGULAR BUSINESS – PART II-A – QUASI-JUDICIAL CONSENT AGENDA:

(Prior to consideration of a motion to approve the quasi-judicial consent agenda, the Mayor shall provide for the opportunity for the public to request removal of any resolution for public hearing.)

(If you are planning to speak during any public hearing under Part II-B, Part III, or Part IV, please state your name and address for the record and limit your remarks to five (5) minutes.) (Note: The conduct of any public hearing under Part II-B will be governed by the “quasi-judicial procedures” attached to this agenda.)

REGULAR BUSINESS – PART II-B – QUASI-JUDICIAL AND RELATED PUBLIC HEARINGS:

REGULAR BUSINESS – PART III – REGULAR PUBLIC HEARINGS:

(The public hearing on Items 4 and 5 will be conducted contemporaneously, as the petitions are related. A separate vote will be taken on each petition.)

4. Ordinance No. 5045 (Second public hearing) (Revised)

An ordinance of the City of Boca Raton amending Chapter 28, Code of Ordinances, to provide supplemental regulations for nonresidential structures and uses in single-family residential zoning districts, including landscaping requirements, dumpster location requirements, limiting vehicular access to only arterial or collector roads, and additional regulations; and supplemental regulations for nonresidential structures and uses in multifamily zoning districts, including limiting vehicular access only to arterial or collector roads, and additional regulations; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-08-03)

5. Ordinance No. 5040 (Third public hearing) (Revised)

An ordinance of the City of Boca Raton amending Chapter 28, Code of Ordinances, providing a definition for “Places of Worship” and “Places of Public Assembly”; amending the list of permitted and conditional uses in most zoning districts to establish a consistent treatment for Places of Worship and Places of Public Assembly; replacing references to “Church” and “Places of Worship of God”; providing for Places of Worship as a permitted use in the R-3-A and R-3-C zoning districts; deleting the definition of “Private Clubs, Lodges, Fraternities and Similar Private Uses” and including said category, as well as “Theaters and Auditorium”, in the definition of Places of Public Assembly; modifying the parking requirements for Places of Public Assembly and deleting parking requirements for uses included within said category; deleting the category of “Institutions of an Educational, Philanthropic or Religious Character”; deleting “Private Clubs and Community Service Organizations” from the PUD Commercial Node and “Private Clubs” and related uses from the M-3 District and the LIRP Commercial Node; deleting “Movie Theaters” in the LIRP District; deleting “Drive-In Theaters” in the M-1 District; and making such amendments and revisions, as appropriate, to establish a consistent treatment for Places of Public Assembly and Places of Worship; providing for severability; providing for repealer; providing for codification; providing an effective date (AM-07-05)

6. Ordinance No. 5046

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Water Easement, located at 10 East Boca Raton Road, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (EA-07-06)

7. Ordinance No. 5047

An ordinance of the City of Boca Raton providing for the vacation and abandonment of portions of Utility Easements, located at 181 N.W. 20th Street, as more specifically described herein; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-08-05)

8. Ordinance No. 5049

An ordinance of the City of Boca Raton amending the Boca Raton Downtown Development of Regional Impact Development Order to modify transportation related conditions and improvements; determining that the amendments do not constitute a substantial deviation requiring further Development of Regional Impact review in compliance with Section 380.06, Florida Statutes; providing for severability; providing for repealer; providing an effective date (SC-08-04)

9. Ordinance No. 5050

An ordinance of the City of Boca Raton relating to the review process for Individual Development Approvals within the Downtown Redevelopment Area; amending Section 2-135, Powers and Duties of the Community Appearance Board; amending Section 2-265, Powers and Duties of the Planning and Zoning Board; providing for severability; providing for repealer; providing for codification; providing an effective date

10. Ordinance No. 5053

An ordinance of the City of Boca Raton relating to the Civil Service Board; amending Section 2-67, Code of Ordinances, to clarify the qualifications for membership; providing for severability; providing for repealer; providing for codification; providing an effective date

11. Ordinance No. 5054

An ordinance of the City of Boca Raton amending the Fiscal Year 2007-2008 budget through the Third Quarterly Budget Amendment; providing for severability; providing for repealer; providing an effective date

12. Resolution No. 105-2008

A resolution of the City of Boca Raton imposing fire services assessments against assessed property located within the City for the fiscal year beginning October 1, 2008; approving the Fiscal Year 2008-2009 Rate of Assessment; approving the Fiscal Year 2008-2009 Assessment Roll; providing for severability; providing for repealer; providing an effective date

REGULAR BUSINESS – PART IV – REGULAR PUBLIC HEARINGS/SETTLEMENTS:

REGULAR BUSINESS – PART V - INTRODUCTION OF ORDINANCES:

(Rule 1.13 of the City Code states that the Council shall not grant leave to any person to speak on any ordinance which is listed for the purpose of introduction only.)

13. Ordinance No. 5048

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of N.W. 4th Street located adjacent to 470 N.W. 4th Avenue, as more specifically described herein; approving and accepting a Public Utility Easement Deed from Bibletown Community Church, Inc., over certain lands located adjacent to 470 N.W. 4th Avenue; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-06-05)

14. Ordinance No. 5051

An ordinance of the City of Boca Raton amending Architectural Design Policy 1.2 contained in the Amended Downtown Plan (a Community Redevelopment Plan); inserting additional architectural design policies allowing, in certain cases, an increase in height for a portion of the building or buildings on the site to a maximum height with modifications to the building setbacks, contingent upon satisfaction of specified criteria, and related policy amendments; providing for severability; providing for repealer; providing for codification; providing an effective date (SC-08-05)

15. Ordinance No. 5052

An ordinance of the City of Boca Raton amending the Boca Raton Downtown Development of Regional Impact Development Order by adding quality downtown development regulations and related definitions; allowing, in certain cases, an increase in height for a portion of the building or buildings on a site, to a maximum height with modifications to the building setbacks contingent upon satisfaction of specified criteria; providing amendments related thereto; determining that the amendments are not subject to review as a Notice of Proposed Change; providing for severability; providing for repealer; providing an effective date (SC-08-06)

16. Ordinance No. 5055

An ordinance of the City of Boca Raton considering the vacation and abandonment of a portion of unimproved alley right-of-way adjacent to 16 S.E. 4th Street, as more specifically described herein; approving and accepting a Utility Easement Deed from Southeast 4th Associates, L.L.C., over certain lands located at 16 S.E. 4th Street; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (AB-08-02)

17. Ordinance No. 5056

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a platted right-of-way located at 7598 N.W. 6th Avenue, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (AB-08-03)

18. Ordinance No. 5057

An ordinance of the City of Boca Raton considering the vacation and abandonment of non-access lines, located at 7598 N.W. 6th Avenue, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (EA-08-06)

19. Ordinance No. 5058

An ordinance of the City of Boca Raton considering the vacation and abandonment of a portion of a Utility Easement, located at 7598 N.W. 6th Avenue, as more specifically described herein; approving and accepting a Utility Easement Deed from USF Propoco I, LLC, over certain lands located at 7598 N.W. 6th Avenue; providing conditions for vacation and abandonment; providing for severability; providing for repealer; providing an effective date (EA-08-04)

20. Ordinance No. 5059

An ordinance of the City of Boca Raton rezoning, pursuant to Article VI, Chapter 23, Code of Ordinances, a parcel of land consisting of 1.08 acres more or less, located at 600 North Federal Highway, from General Business (B4) to Professional, Office and Institutional (PO&I); providing for severability; providing for repealer; providing an effective date (UC-08-02/ZC)

21. Ordinance No. 5060

An ordinance of the City of Boca Raton providing for the vacation and abandonment of a portion of a Utility Easement, located at 470 N.W. 4th Avenue, as more specifically described herein; providing for severability; providing for repealer; providing an effective date (EA-06-08)

REGULAR BUSINESS - PART VI - PUBLIC REQUESTS:

(If you are planning to speak during public requests, please state your name and address for the record and limit your remarks to five (5) minutes.)

REGULAR BUSINESS - PART VII- RESOLUTIONS AND OTHER BUSINESS:

CITY MANAGER RECOMMENDATIONS AND REPORTS:

CITY ATTORNEY REPORTS:

MAYOR AND COUNCIL MEMBER REPORTS:

ADJOURNMENT:

Quasi-Judicial Public Hearing Procedures

1. Any hearing listed on the agenda, as a quasi-judicial public hearing will be conducted pursuant to these rules. This means that the City Council is required by law to base its decision on the evidence contained in the record of this proceeding, which consists of the testimony at the hearing and on the materials, which are in the official City file on this application at the end of the hearing.
2. At the beginning of the hearing, the members of the City Council will announce for the record any “ex parte” contacts not previously disclosed in writing and included in the official City file. The name of the person with whom the contact occurred and the subject matter of the discussion will be disclosed.
3. The City Attorney will announce that each applicant requesting approval, relief or other action from the City Council, planning and zoning board, community appearance board, or the zoning board of adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed directly, or on its behalf, for an agreement to support, or withhold objection to, the requested relief or action.
4. The City Clerk will administer an oath to all persons who intend to testify at this hearing. **Any person who intends to testify at this hearing is asked to fill out a card, which can be found in the rear of the Council Chamber.** The purpose of this card is to provide an accurate record of an appearance at this hearing. Please hand the card to one of the clerks in the front of the chamber.
5. The City staff will make an initial presentation. The petitioner will then make a presentation. During the staff and petitioner’s presentation, only the members of the City Council are permitted to ask questions.
6. After the petitioner’s presentation, all other parties who are present to testify and/or provide written or other evidence for inclusion in the record will be permitted to do so. During this time, only the members of the City Council are permitted to ask questions.
7. After the staff, the petitioner and other interested parties have made their presentations, persons will be permitted to cross-examine participants in the hearing, including the staff and the petitioner, **in order of their appearance at the hearing.** Anyone who testifies at the hearing should remain until the conclusion of the hearing in order to be able to respond to any questions.
8. After the questions have been asked and answered, the petitioner shall be provided with an opportunity for a brief rebuttal and summary.
9. The Mayor will then declare the public hearing closed, and a motion will be made regarding the matter. The Council will then proceed to discuss the matter and vote on the matter.